



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/764,604 Confirmation No.: 4397  
Applicant : Stephen M. Howard et al.  
Filed : January 25, 2001  
T.C./A.U. : 2157  
Examiner : Ramy M. Osman  
  
Docket No. : EMC-002PUS  
Customer No. : 022494

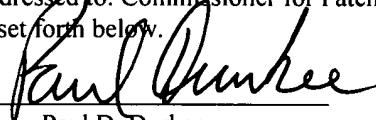
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Certificate of Mailing (37 C.F.R. 1.8(a))

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1 Sep 04  
Date of Signature  
and Mail Deposit

By:

  
Paul D. Durkee  
Reg. No. 41,003

---

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

EMC Corporation through its below-signing representative, represents that it is the owner of record of one-hundred percent interest in U.S. Patent Application No.09/769,604 filed on January 25, 2001 for DATA BACKUP SYSTEM HAVING A FLEXIBLE RESTORE ARCHITECTURE by virtue of an Assignment sent to the U.S. Patent and Trademark Office on February 12, 2001 for recordation, Reel 011518, Frame 0777.

The owner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,721,766 issued April 13, 2004 and hereby agrees that any patent so

granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,721,766, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,721,766 in the event that it later lapses for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned, whose title is supplied below, is empowered to act and authorized to execute this document on behalf of the owner.

Dated: 1 Sep 04

Respectfully submitted,

DALY, CROWLEY & MOFFORD LLP

By: Paul Durkee

Paul D. Durkee  
Reg. No. 41,003  
Attorney for Applicant(s)  
275 Turnpike Street, Suite 101  
Canton, MA 02021-2354  
Tel.: (781) 401-9988, ext. 21  
Fax: (781) 401-9966  
pdd@dc-m.com



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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

PTAS



\*101616184A\*

DALY, CROWLEY & MOFFORD, LLP  
PAUL D. DURKEE  
275 TURNPIKE STREET, SUITE 101  
CANTON, MA 02021-2310

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/12/2001

REEL/FRAME: 011518/0777  
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HOWARD, STEPHEN M.

DOC DATE: 01/24/2001

ASSIGNOR:

GILL, WILLIAM ALTON

DOC DATE: 01/24/2001

ASSIGNOR:

BOUDRIE, ROBERT ALAN

DOC DATE: 01/24/2001

ASSIGNOR:

SACHAR, GLENN R.

DOC DATE: 01/24/2001

ASSIGNEE:

EMC CORPORATION  
35 PARKWOOD DRIVE  
HOPKINTON, MASSACHUSETTS 01748-9103

SERIAL NUMBER: 09769604

FILING DATE: 01/25/2001

PATENT NUMBER:

ISSUE DATE:

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

02-21-2001

FORM PTO-1619A  
Expires 06/30/99  
OMB 0651-0027



U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

101616184

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**TO:** The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

**Submission Type** 2-12-01

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Resubmission (Non-Recordation)

Document ID#

Correction of PTO Error

Reel #

Frame #

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Reel #

Frame #

**Conveyance Type**

Assignment

Security Agreement

License

Change of Name

Merger

Other

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Departmental File

Secret File

**Conveying Party(ies)**

Mark if additional names of conveying parties attached

Execution Date

Month Day Year

01 24 01

Name (line 1)  Howard, Stephen M.

Name (line 2)

**Second Party**

Name (line 1)  Gill, William Alton

Name (line 2)

**Receiving Party**

Mark if additional names of receiving parties attached

Name (line 1)  EMC Corporation

If document to be recorded  
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Name (line 2)

Address (line 1)  35 Parkwood Drive

Address (line 2)

Address (line 3)  Hopkinton

City

MA

State/Country

01748-9103

Zip Code

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

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02/20/2001 6TOM11 00000198 09769604

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Enter the total number of pages of the attached conveyance document

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**Application Number(s) or Patent Number(s)**

Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

**Patent Application Number(s)**

**Patent Number(s)**

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month  Day  Year

**Patent Cooperation Treaty (PCT)**

Enter PCT application number  
only if a U.S. Application Number  
has not been assigned.

PCT  PCT  PCT   
PCT  PCT  PCT

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment:  
Deposit Account

Enclosed  Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: #

Authorization to charge additional fees:

Yes

No

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Paul D. Durkee

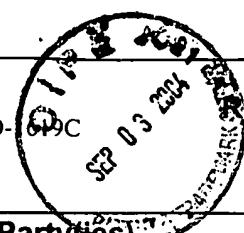
Name of Person Signing

  
Signature

February 7, 2001

Date

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OMB 0651-0027



RECORDATION FORM COVER SHEET  
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Name (line 1)

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Execution Date  
Month Day Year  
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Name (line 2)

Name (line 1)

Execution Date  
Month Day Year  
01 24 01

Name (line 2)

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Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Name (line 1)

If document to be recorded  
is an assignment and the  
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States, an appointment of a  
domestic representative is  
attached. (Designation must  
be a separate document from  
Assignment.)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

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**Application Number(s) or Patent Number(s)**

Mark if additional numbers attached

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**Patent Application Number(s)**

**Patent Number(s)**

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## ASSIGNMENT

For valuable consideration, We, STEPHEN M. HOWARD of Braintree, MA, WILLIAM ALTON GILL of Harvard, MA, ROBERT ALAN BOUDRIE of Ashland, MA AND GLENN R. SACHAR of Reading, MA, hereby assign to EMC CORPORATION, a MASSACHUSETTS corporation having a place of business at 35 Parkwood Drive, Hopkinton, MA 01748-9103 and assign (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by me, entitled DATA BACKUP SYSTEM HAVING A FLEXIBLE RESTORE ARCHITECTURE, filed on January 25, 2001, and assigned U.S. Serial Number 09/769,604, and I authorize and request the attorneys appointed in said application to hereafter complete this assignment by inserting above the filing date and serial number of said application when known; this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and I agree for me and my respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at EMC Corporation,  
this 24<sup>th</sup> day of January, 2001  
Stephen M. Howard L.S.  
STEPHEN M. HOWARD

State of Massachusetts:

: ss.

County of Norfolk:

Before me this 04<sup>th</sup> day of January, 2001, personally  
appeared STEPHEN M. HOWARD known to me to be the person whose name is subscribed to  
the foregoing Assignment and acknowledged that he executed the same as his free act and deed  
for the purposes therein contained.

Linda M. LeBeau  
Notary Public  
My Commission Expires: Feb 19, 2004

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at EMC Corporation,  
this 24th day of January, 2001  
Will Alton Gill  
WILLIAM ALTON GILL L.S.

State of Massachusetts:

: ss.

County of Ninfolk:

Before me this 5th day of January, 2001, personally  
appeared WILLIAM ALTON GILL known to me to be the person whose name is subscribed to  
the foregoing Assignment and acknowledged that he executed the same as his free act and deed  
for the purposes therein contained.

Linda M. LeFever  
Notary Public  
My Commission Expires: Feb 19, 2004

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at EMC Corp.,  
this 24<sup>th</sup> day of January, 2001

Robert Alan Boudrie  
ROBERT ALAN BOUDRIE

L.S.

State of Massachusetts :

: ss.

County of Norfolk :

Before me this 24<sup>th</sup> day of January, 2001, personally  
appeared ROBERT ALAN BOUDRIE known to me to be the person whose name is subscribed  
to the foregoing Assignment and acknowledged that he executed the same as his free act and  
deed for the purposes therein contained.

Linda M. LeFever  
Notary Public  
My Commission Expires: Feb 19, 2004

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at EMC Corp.,  
this 24<sup>th</sup> day of January, 2001

Glenn R. Sachar \_\_\_\_\_ L.S.  
GLENN R. SACHAR

State of Massachusetts :

: ss.

County of Norfolk :

Before me this 24<sup>th</sup> day of January, 2001, personally  
appeared GLENN R. SACHAR known to me to be the person whose name is subscribed to the  
foregoing Assignment and acknowledged that he executed the same as his free act and deed for  
the purposes therein contained.

Linda M. LeBeau  
Notary Public  
My Commission Expires: Feb 19, 2004

[Notary's Seal Here]



Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |    |                        |                   |
|--|----|------------------------|-------------------|
|  |    | Application Number     | 09/769,604        |
|  |    | Filing Date            | January 25, 2001  |
|  |    | First Named Inventor   | Stephen M. Howard |
|  |    | Group Art Unit         | Not Yet Assigned  |
|  |    | Examiner Name          | Not Yet Assigned  |
| Total Number of Pages in This Submission | 10 | Attorney Docket Number | EMC-002PUS        |

### ENCLOSURES (check all that apply)

|  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input checked="" type="checkbox"/> Assignment Papers (for an Application)              | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input checked="" type="checkbox"/> Fee Attached                             | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment / Reply                                   | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Return-receipt postcard   |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund   | <input type="checkbox"/> Check in the Amount of \$40.00                                    |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                                      |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   | <input type="checkbox"/> Remarks  |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

In the event a petition for extension of time is required by this paper and not otherwise provided, such petition is hereby made and authorization is provided herewith to charge deposit account No. 50-0845 for the cost of such extension.

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Technology Center 2100

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                  |                 |
|-------------------------|------------------|-----------------|
| Firm or Individual name | Paul D. Durkee   | Reg. No. 41,003 |
| Signature               |                  |                 |
| Date                    | February 7, 2001 |                 |

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

February 7, 2001

|                       |                |      |                  |
|-----------------------|----------------|------|------------------|
| Typed or printed name | Paul D. Durkee | Date | February 7, 2001 |
| Signature             |                |      |                  |

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

40

## Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | 09/769,604        |
| Filing Date          | January 25, 2001  |
| First Named Inventor | Stephen M. Howard |
| Examiner Name        | Not Yet Assigned  |
| Group Art Unit       | Not Yet Assigned  |
| Attorney Docket No.  | EMC-002PUS        |

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-0845**  
Deposit Account Name **Daly, Crowley & Mofford, LLP**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description               | Fee Paid |
|----------------------------|----------------------------|-------------------------------|----------|
| 101                        | 710                        | 201 355 Utility filing fee    |          |
| 106                        | 320                        | 206 160 Design filing fee     |          |
| 107                        | 490                        | 207 245 Plant filing fee      |          |
| 108                        | 710                        | 208 355 Reissue filing fee    |          |
| 114                        | 150                        | 214 75 Provisional filing fee |          |
| <b>SUBTOTAL (1) (\$)</b>   |                            | <b>0</b>                      |          |

## 2. EXTRA CLAIM FEES

| Total Claims | Independent Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------|----------------|----------|
|              |                    | -20** =      | 0              | x 9 = 0  |
|              |                    | - 3** =      | 0              | x 40 = 0 |
|              |                    |              |                |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 103                        | 18                         | 203 9 Claims in excess of 20                                     |
| 102                        | 80                         | 202 40 Independent claims in excess of 3                         |
| 104                        | 270                        | 204 135 Multiple dependent claim, if not paid                    |
| 109                        | 80                         | 209 40 ** Reissue independent claims over original patent        |
| 110                        | 18                         | 210 9 ** Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2) (\$)</b>   |                            | <b>0</b>   |

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description   | Fee Paid |
|----------------------------|----------------------------|---|----------|
| 105                        | 130                        | 205 65 Surcharge - late filing fee or oath  |          |
| 127                        | 50                         | 227 25 Surcharge - late provisional filing fee or cover sheet                     |          |
| 139                        | 130                        | 139 130 Non-English specification   |          |
| 147                        | 2,520                      | 147 2,520 For filing a request for ex parte reexamination                         |          |
| 112                        | 920*                       | 112 920* Requesting publication of SIR prior to Examiner action                   |          |
| 113                        | 1,840*                     | 113 1,840* Requesting publication of SIR after Examiner action                    |          |
| 115                        | 110                        | 215 55 Extension for reply within first month                                     |          |
| 116                        | 390                        | 216 195 Extension for reply within second month                                   |          |
| 117                        | 890                        | 217 445 Extension for reply within third month                                    |          |
| 118                        | 1,390                      | 218 695 Extension for reply within fourth month                                   |          |
| 128                        | 1,890                      | 228 945 Extension for reply within fifth month                                    |          |
| 119                        | 310                        | 219 155 Notice of Appeal  |          |
| 120                        | 310                        | 220 155 Filing a brief in support of an appeal                                    |          |
| 121                        | 270                        | 221 135 Request for oral hearing  |          |
| 138                        | 1,510                      | 138 1,510 Petition to institute a public use proceeding                           |          |
| 140                        | 110                        | 240 55 Petition to revive - unavoidable   |          |
| 141                        | 1,240                      | 241 620 Petition to revive - unintentional  |          |
| 142                        | 1,240                      | 242 620 Utility issue fee (or reissue)  |          |
| 143                        | 440                        | 243 220 Design issue fee  |          |
| 144                        | 600                        | 244 300 Plant issue fee   |          |
| 122                        | 130                        | 122 130 Petitions to the Commissioner   |          |
| 123                        | 50                         | 123 50 Petitions related to provisional applications                              |          |
| 128                        | 240                        | 126 240 Submission of Information Disclosure Stmt                                 |          |
| 581                        | 40                         | 581 40 Recording each patent assignment per property (times number of properties) | 40       |
| 146                        | 710                        | 246 355 Filing a submission after final rejection (37 CFR § 1.129(a))             |          |
| 149                        | 710                        | 249 355 For each additional invention to be examined (37 CFR § 1.129(b))          |          |
| 179                        | 710                        | 279 355 Request for Continued Examination (RCE)                                   |          |
| 169                        | 900                        | 169 900 Request for expedited examination of a design application                 |          |
| Other fee (specify) _____  |                            |   |          |

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

40

## SUBMITTED BY

|                   |   |                                   |        |           |                      |
|-------------------|---|-----------------------------------|--------|-----------|----------------------|
| Name (Print/Type) | <b>Paul D. Durkee</b>   | Registration No. (Attorney/Agent) | 41,003 | Telephone | 781.401.9988 ext. 21 |
| Signature         |  |                                   |        | Date      | 2/7/01               |

Complete (if applicable)

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